

U.S. District Court
United States District Court for the Southern District of New York (Foley
Square)
CRIMINAL DOCKET FOR CASE #: 1:01-cr-00417-TPG-1

Case title: USA v. Gavidel, et al
Magistrate judge case number: 1:00-mj-02114

Date Filed: 04/30/2001
Date Terminated: 05/30/2003

Assigned to: Judge Thomas P. Griesa
Appeals court case number: 03-1375

Defendant (1)

Mazyar Gavidel
TERMINATED: 05/30/2003

represented by **Albert Yukhanan Dayan**
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Pending Counts

18:1956-4999.F MONEY
LAUNDERING – FRAUD, OTHER

Disposition

Imprisonment: Seventy (70) months on each of
counts 1,2,3,4,5,6,7 & 9 to be served concurrently.

(MONEY LAUNDERING CONSPIRACY) (1)	Supervised Release: Three (3) years.
18:1956-4999.F MONEY LAUNDERING – FRAUD, OTHER (2-6)	Imprisonment: Seventy (70) months on each of counts 1,2,3,4,5,6,7 &9 to be served concurrently. Supervised Release: Three (3) years.
31:5324.F STRUCTURING TRANSACTIONS TO EVADE REPORTING REQUIREMENTS (7)	Imprisonment: Seventy (70) months on each of counts 1,2,3,4,5,6,7 &9 to be served concurrently. Supervised Release: Three (3) years.
50:1705.F PENALTIES, VIOLATES ANY LICENSE OR ORDER (VIOLATION OF IRANIAN EMBARGO) (9)	Imprisonment: Seventy (70) months on each of counts 1,2,3,4,5,6,7 &9 to be served concurrently. Supervised Release: Three (3) years.

Highest Offense Level (Opening)

Felony

Terminated Counts

18:1960.F MONETARY LAUNDERING (COLLECTING ILLEGAL MONEY-TRANSMITTING BUSINESS) (8)	Deft found NOT GUILTY by jury verdict.
18:2321.F TRAFFICKING IN MOTOR VEHICLES/MOTOR VEHICLE PARTS (10)	Deft found NOT GUILTY by jury verdict.

Highest Offense Level (Terminated)

Felony

Complaints

None

Disposition

Deft found NOT GUILTY by jury verdict.

Deft found NOT GUILTY by jury verdict.

Plaintiff

USA

represented by **Peter B. Sobol**
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Mary Jo White, United States Attorney
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LEAD ATTORNEY

Date Filed	#	Docket Text
11/27/2000	1	COMPLAINT as to Mazyar Gavidel in violation of 18 U.S.C. 1956(h). (signed by Magistrate Judge Henry B. Pitman) [1:00-m-2114] (gq) (Entered: 11/28/2000)
11/27/2000	2	ARREST WARRANT issued as to Mazyar Gavidel. [1:00-m-2114] (gq) (Entered: 11/28/2000)

11/28/2000		ARREST of Mazyar Gavidel [1:00-m-2114] (gq) (Entered: 11/30/2000)
11/28/2000	3	ARREST WARRANT Returned Executed as to Mazyar Gavidel on 11/28/00. [1:00-m-2114] (gq) (Entered: 11/30/2000)
11/28/2000	4	NOTICE of Appearance for Mazyar Gavidel by Attorney Stuart Altman. [1:00-m-2114] (gq) (Entered: 11/30/2000)
11/28/2000		First Appearance as to Mazyar Gavidel held. Deft appears with atty Behman Kahan by Stuart Altman. AUSA Peter Sobol present for the gov't. On consent: \$250,000 PRB cosigned by uncle and one FRP &secured by security interest in uncle's home. Security on bond to be posted by 12/5/00. \$10,000 cash. Surrender of all travel documents. Routine PTS. Travel limited to SDNY &EDNY. Deft can be released when (1) he execute bond. (2) cash is posted &(3) travel documents surrendered. Preliminary Examination set for 12/12/00 for Mazyar Gavidel ; (Mag. Judge Pitman). [1:00-m-2114] (gq) (Entered: 11/30/2000)
11/30/2000	5	PRB APPEARANCE BOND filed by Mazyar Gavidel in the Amount of \$250,000. Cosigned by uncle and one financially responsible person and secured by security interest in uncle's house. Security on bond to be posted by 12/5/00. \$10,000 cash (Receipt # M19-1-10910). Surrender of all travel documents, routine pretrial supervision. Travel limited to SDNY &EDNY. Deft can be released when (1) he executes bond. (2) cash is posted and (3) travel documents is surrendered. [1:00-m-2114] (gq) (Entered: 12/01/2000)
11/30/2000	6	Order of advice of penalties and sanctions as to Mazyar Gavidel. [1:00-m-2114] (gq) (Entered: 12/01/2000)
12/28/2000	7	AFFIRMATION by USA by AUSA Peter B. Sobol as to Mazyar Gavidel Re: In support of an application for an order of continuance of the time within which an indictment or information shall be filed. [1:00-m-2114] (gq) (Entered: 01/05/2001)
12/28/2000	8	ORDER as to Mazyar Gavidel, to Continue in Interests of Justice, continuance is granted from 12/28/00 to 01/29/01. (Signed by Magistrate Judge Douglas F. Eaton); Copies mailed. [1:00-m-2114] (gq) (Entered: 01/05/2001)
01/29/2001	9	AFFIRMATION by USA of AUSA PETER B. SOBOL as to Mazyar Gavidel Re: in support of an application for a 30 day extension of the order of continuance [1:00-m-2114] (vb) (Entered: 02/05/2001)
01/29/2001		ORAL ORDER as to Mazyar Gavidel , to Continue in Interests of Justice extended to 2/28/01 (Entered by Magistrate Judge Henry B. Pitman) [1:00-m-2114] (vb) (Entered: 02/05/2001)
02/28/2001	10	AFFIRMATION by USA of AUSA PETER B. SOBOL as to Mazyar Gavidel Re: in support of a 30 day extension of an order of continuance [1:00-m-2114] (vb) (Entered: 03/01/2001)
02/28/2001		ORAL ORDER as to Mazyar Gavidel , to Continue in Interests of Justice extended to 3/30/01 (Entered by Magistrate Judge Douglas F. Eaton) [1:00-m-2114] (vb) (Entered: 03/01/2001)
03/30/2001		ORAL ORDER as to Mazyar Gavidel , to Continue in Interests of Justice extended to 4/30/01 (Entered by Magistrate Judge Theodore H. Katz) [1:00-m-2114] (vb) (Entered: 04/09/2001)
03/30/2001	11	AFFIRMATION by USA of AUSA PETER B. SOBOL as to Mazyar Gavidel Re: in support of the application for a 30 day extension of the order of continuance [1:00-m-2114] (vb) (Entered: 04/09/2001)
04/30/2001	12	INDICTMENT as to Mazyar Gavidel (1) count(s) 1, 2-6, 7, 8, 9, 10, Homa International (2) count(s) 1, 2-6, 8, 9 (Preliminary Examination cancelled.) (jm) (Entered: 05/01/2001)

05/03/2001	13	ORDER as to Mazyar Gavidel, Homa International, to Continue in Interests of Justice. Time excluded from 5/2/01 to 5/10/01. (Signed by Judge Robert W. Sweet (Part I)); Copies mailed. (rag) (Entered: 05/04/2001)
07/06/2001	14	TRANSCRIPT of record of proceedings as to Mazyar Gavidel for dates of 5/10/01. (gmo) (Entered: 07/06/2001)
08/08/2001		Pretrial Conference as to Mazyar Gavidel held before Judge Thomas P. Griesa. Deft. Not Present, attorney Frank Hancock present, Gov't by Peter Sobal, AUSA. Next PTC scheduled for 9/25/01 at 4:30 pm. Time is excluded from 8/8/01 to 9/25/01 in the interest of justice. (jb) (Entered: 08/10/2001)
08/08/2001		Pretrial Conference as to Mazyar Gavidel set at 4:30 9/25/01 for Mazyar Gavidel (jb) (Entered: 08/10/2001)
09/24/2001		ORDER EXCLUDING TIME UNDER THE SPEEDY TRIAL ACT as to Mazyar Gavidel ...that the request for a 30-day exclusion from today, September 17, 2001, purs. to Title 18 U.S.C. Sec. 3161(h) (8) (A) is hereby granted for all criminal cases in which an indictment or information has been filed and is pending,..., Continuing due to extraordinary circumstances time is excluded from 9/17/01 to 10/17/01 (Signed by Chief Judge Michael B. Mukasey); [Original filed in M10-468 Document No. 22] (ICMSUSER) (Entered: 10/01/2001)
09/25/2001		Pretrial Conference as to Mazyar Gavidel held before Judge Thomas P. Griesa. Deft. present with attorney Frank Hancock, gov't by Peter Sobal, AUSA. Trial date set for 2/4/02 at 10:00 AM. Time is excluded from speedy trial calculation from today's date til 2/4/02 in the interest of justice. Bail cont'd. (jb) (Entered: 09/26/2001)
09/25/2001		ORAL ORDER as to Mazyar Gavidel , SET scheduling order deadlines: Jury Trial for 10:00 2/4/02 for Mazyar Gavidel (Entered by Judge Thomas P. Griesa) (jb) (Entered: 09/26/2001)
09/27/2001	15	TRANSCRIPT of record of proceedings as to Mazyar Gavidel for dates of 8/8/01, held before Judge Thomas P. Griesa . (yv) (Entered: 09/27/2001)
01/04/2002		Pretrial Conference as to Mazyar Gavidel, Homa International held before Judge Thomas P. Griesa. Defendant present with attorney Albert Dayan, government by Peter Sobol, AUSA. Attorney Frank Hancock ordered relieved as counsel and attorney Albert Dayan is appointed. Trial date is adjourned from 2/4/02 to 8/5/02. Motion calendar set. Defendant's motions by 3/1/02. Time is excluded from 1/4/02 to 8/5/02. Bail continued. (ph) (Entered: 01/07/2002)
01/04/2002		ORAL ORDER as to Mazyar Gavidel , substituting attorney Frank Hancock terminated Added Albert Y. Dayan , and set scheduling order deadlines: Motion Filing to 3/1/02 for Mazyar Gavidel ; Jury Trial for 8/5/02 for Mazyar Gavidel ; (Entered by Judge Thomas P. Griesa) (ph) (Entered: 01/07/2002)
03/13/2002	16	TRANSCRIPT of record of proceedings for dates of 1/4/02, before Judge Thomas P. Griesa . (df) (Entered: 03/13/2002)
03/15/2002	17	MOTION by Mazyar Gavidel for the following relief: (1) to dismiss the count charging defendant with violation of 18 U.S.C. 1960, on grounds that Section 1960 is Unconstitutional in violation of Equal Protection of Law , (2) to dismiss the count charging defendant with violation of Executive Order 12959, that only applies to goods, technology and service that is exported pursuant to license, not to the transmission of money , (3) for discovery and for such other and further relief as to this Court may be deemed just and proper. (jb) (Entered: 03/18/2002)
05/16/2002		Motion hearing as to Mazyar Gavidel re: defendant's Order to show cause to quash the government's subpoena. Defendant present with

		attorney Albert Dayan, government by Peter Sobol, AUSA. Motion conference held on defendant's Order to show cause to quash the government's subpoena. Defendant's OSC is denied in open court. Defendant is ordered to comply with the subpoena. Bail continued. (ph) (Entered: 05/20/2002)
05/16/2002		ORAL ORDER as to Mazyar Gavidel Defendant's Order to Show Cause is denied in open court. Defendant is ORDERED to comply with the subpoena. (Entered by Judge Thomas P. Griesa) (ph) (Entered: 05/20/2002)
05/23/2002	18	Filed Memo-Endorsement as to Mazyar Gavidel, Application for stay denied. So ordered. (Signed by Judge Thomas P. Griesa on 5/21/02). (ph) (Entered: 05/23/2002)
05/23/2002	19	ORDER as to Mazyar Gavidel, It Is Ordered pursuant to Rules 17(g) and 42(b) of the Fed R Crim P, that Mazyar Gavidel show cause before this Court on 5/23/02 at 4:30pm in Courtroom 26-B of the US Courthouse, 500 Pearl Street, NY, NY, 10007, why he should not be adjudged in contempt of Court for his failure to comply with a trial subpoena duces tecum , and Ordered that this Order to Show Cause and the accompanying Affirmation and Notice of Charges shall be served upon Mazyar Gavidel on or before 5/22/02. (Signed by Judge Thomas P. Griesa); Copies mailed. (ac) (Entered: 05/29/2002)
05/28/2002		Defendant present with attorney Albert Dayan. Government by Peter Sobol, AUSA. Motion hearing as to Mazyar Gavidel re: government's motion to hold defendant in contempt of court. Motion withdrawn by government. Bail continued. (ph) (Entered: 05/29/2002)
05/28/2002	20	MEMORANDUM OF LAW IN OPPOSITION TO MOTION BY GOVERNMENT TO PUNISH DEFENDANT FOR CONTEMPT, ALLEGEDLY PURSUANT TO RULE 16 (d)(2) (ja) (Entered: 05/31/2002)
06/03/2002	21	OPINION and ORDER # 87026 as to Mazyar Gavidel denying [17-1] motion (1) to dismiss the count charging defendant with violation of 18 U.S.C. 1960, on grounds that Section 1960 is Unconstitutional in violation of Equal Protection of Law as to Mazyar Gavidel (1), denying [17-2] motion (2) to dismiss the count charging defendant with violation of Executive Order 12959, that only applies to goods, technology and service that is exported pursuant to license, not to the transmission of money as to Mazyar Gavidel (1), denying [17-3] motion (3) for discovery and for such other and further relief as to this Court may be deemed just and proper. as to Mazyar Gavidel (1) (Signed by Judge Thomas P. Griesa); Copies mailed. Deft Gavidel moves to dismiss counts 8 and 9 of the Indictment against him and for discovery. The Govt opposes the motion. The motion is denied. (ac) (Entered: 06/04/2002)
07/02/2002	22	TRANSCRIPT of record of proceedings as to Mazyar Gavidel, Homa International for dates of 5/16/02 on 4:52 p.m., before Judge Thomas P. Griesa. (ph) (Entered: 07/03/2002)
07/15/2002	23	TRANSCRIPT of record of proceedings as to Mazyar Gavidel, Homa International for dates of 5/28/02 at 3:30 p.m., before Judge Thomas P. Griesa. (ph) (Entered: 07/15/2002)
08/05/2002		Voir dire begun as to Mazyar Gavidel (1) count(s) 1, 2-6, 7, 8, 9, 10, Homa International (2) count(s) 1, 2-6, 8, 9 (ph) (Entered: 08/16/2002)
08/05/2002		Jury selection as to Mazyar Gavidel, Homa International held. (ph) (Entered: 08/16/2002)
08/05/2002		Jury impaneled as to Mazyar Gavidel, Homa International. (ph) (Entered: 08/16/2002)

08/05/2002		Jury trial as to Mazyar Gavidel, Homa International held. Defendant present with attorney Albert Dayan. Government by Peter Sobol and Mark Mendelsohn, AUSA. Plea negotiations held and fail. Voir dire begins. Jury sworn and impaneled. Trial begins. (ph) (Entered: 08/16/2002)
08/06/2002		Jury trial as to Mazyar Gavidel, Homa International held and continued. (ph) (Entered: 08/16/2002)
08/07/2002		Jury trial as to Mazyar Gavidel, Homa International held and continued. (ph) (Entered: 08/16/2002)
08/08/2002		Jury trial as to Mazyar Gavidel, Homa International held and continued. (ph) (Entered: 08/16/2002)
08/09/2002		Jury trial as to Mazyar Gavidel, Homa International held and continued. (ph) (Entered: 08/16/2002)
08/12/2002		Jury trial as to Mazyar Gavidel, Homa International held and continued. (ph) (Entered: 08/16/2002)
08/12/2002	24	DEFENDANT'S RULE 29 MOTION by Mazyar Gavidel for Judgment of Acquittal on the Indictment and Each and Every Count for Insufficient Evidence (ja) (Entered: 08/28/2002)
08/13/2002		Jury trial as to Mazyar Gavidel, Homa International held and continued. (ph) (Entered: 08/16/2002)
08/14/2002		Jury trial as to Mazyar Gavidel, Homa International held and continued. (ph) (Entered: 08/16/2002)
08/15/2002		Jury trial as to Mazyar Gavidel, Homa International held. Jury reaches verdict. Defendant M. Gavidel is found guilty on counts 1,2,3,4,5,6,7, and 9 and found not guilty as to counts 8 and 10. Defendant Homa International guilty on counts 1,2,3,4,5,6, and 9 and found not guilty as to count 8. Pre-sentence investigation ordered. Sentence date set for 11/19/02 at 10:00 a.m. Government's oral application to have defendant remanded is granted in open court. Defendant remanded. (ph) Modified on 08/22/2002 (Entered: 08/22/2002)
08/15/2002		JURY VERDICT as to Mazyar Gavidel, Homa International Guilty: Mazyar Gavidel (1) count(s) 1, 2-6, 7, 9, Homa International (2) count(s) 1, 2-6, 9 , and Not Guilty: Mazyar Gavidel (1) count(s) 8, 10, Homa International (2) count(s) 8 (ph) (Entered: 08/22/2002)
08/15/2002		Court Orders pre-sentence investigation as to Mazyar Gavidel, Homa International. (ph) (Entered: 08/22/2002)
08/15/2002		Sentencing set for 10:00 11/19/02 for Mazyar Gavidel, for Homa International, Mazyar Gavidel (1) count(s) 1, 2-6, 7, 9, Homa International (2) count(s) 1, 2-6, 9 (ph) (Entered: 08/22/2002)
09/05/2002	25	TRANSCRIPT of record of proceedings as to Mazyar Gavidel for dates of July 31, 2002, before Judge Thomas P. Griesa. (jw) (Entered: 09/05/2002)
10/09/2002	26	TRANSCRIPT of record of proceedings as to Mazyar Gavidel for dates of 8/13,14,15/02, before Judge Thomas P. Griesa . (df) (Entered: 10/09/2002)
10/09/2002	27	TRANSCRIPT of record of proceedings as to Mazyar Gavidel for dates of 8/5,6,7,8,9,12/02, before Judge Thomas P. Griesa . (df) (Entered: 10/09/2002)
11/08/2002	28	ORDER as to Mazyar Gavidel, The Court has attempted several times to reach counsel Albert Dayan for defendant Mazyar Gavidel. Mr. Dayan does not return the calls. It is directed that Mr. Dayan is to call the Judge's office at 212-805-0210, no later than 5:00pm., November 12, 2002. SO ORDERED (Signed by Judge Thomas P. Griesa); (jw)

		(Entered: 11/13/2002)
12/06/2002	29	TRANSCRIPT of record of proceedings as to Mazyar Gavidel, Homa International for dates of 8/5/02, before Judge Thomas P. Griesa . (dt) (Entered: 12/06/2002)
01/10/2003		Status conference as to Mazyar Gavidel held before Judge Thomas P. Griesa. Defendant present with attorney Albert Dayan. Government by Peter Sobol, AUSA. Conference held on defendant's application for substitution of counsel. Motion granted in open court. Defendant referred to Magistrate Court for appointment of new counsel. Defendant continued remanded. (ph) (Entered: 01/13/2003)
01/10/2003	31	CJA 23 Financial Affidavit as to Mazyar Gavidel : (Signed by Magistrate Judge Debra C. Freeman) (ja) (Entered: 01/24/2003)
01/13/2003	30	ORDER as to Mazyar Gavidel, The CJA attorney assigned to receive cases on this day, Paul Madden is hereby ordered to assume representation of the defendant in the above captioned matter (Signed by Judge Thomas P. Griesa); (jw) (Entered: 01/14/2003)
02/24/2003	32	MOTION by Mazyar Gavidel to Set Aside Verdict against defendant , and For a full hearing on the issues herein , and for leave to file such other and further relief as to this Court may be deemed just and proper Return Date not specified. Affirmation attached. (jw) (Entered: 02/25/2003)
03/03/2003	33	TRANSCRIPT of record of proceedings as to Mazyar Gavidel for dates of January 10, 2003, before Judge Thomas P. Griesa . (dt) (Entered: 03/03/2003)
03/11/2003		Motion hearing held as to Mazyar Gavidel re: [32-1] motion to Set Aside Verdict against defendant, [32-2] motion For a full hearing on the issues herein, [32-3] motion for leave to file such other and further relief as to this Court may be deemed just and proper. Deft present w/ Atty Paul Madden. AUSA Peter Sobol. Atty Paul Madden is relieved . Deft retains Jacob Evseroff as counsel. Defts motion to set aside verdict is denied as untimely w/o prejudice to re-file if there is a basis for renewal. Sentence set for 5/13/03 at 9:30am. Deft cont'd remanded. (ac) (Entered: 03/14/2003)
03/11/2003		ORAL ORDER as to Mazyar Gavidel denying [32-1] motion to Set Aside Verdict against defendant as to Mazyar Gavidel (1), granting [32-2] motion For a full hearing on the issues herein as to Mazyar Gavidel (1), terminating [32-3] motion for leave to file such other and further relief as to this Court may be deemed just and proper as to Mazyar Gavidel (1) (Entered by Judge Thomas P. Griesa) (ac) (Entered: 03/14/2003)
03/11/2003		ORAL ORDER as to Mazyar Gavidel , set Sentencing for 9:30 5/13/03 for Mazyar Gavidel (Entered by Judge Thomas P. Griesa) (ac) (Entered: 03/14/2003)
04/10/2003	34	NOTICE OF MOTION by Mazyar Gavidel to vacate under 28 U.S.C. 2255 , to dismiss the Indictment , or for new trial and for a full hearing on the issues herein , and for such other and further relief as to this Court may be deemed just and proper. Return Date 5/13/03 or as soon thereafter as counsel can be heard. (ja) (Entered: 04/24/2003)
05/06/2003	35	ORDER as to Mazyar Gavidel denying [34-1] motion to vacate under 28 U.S.C. 2255 as to Mazyar Gavidel (1), denying [34-2] motion to dismiss the Indictment as to Mazyar Gavidel (1), denying [34-3] motion or for new trial and for a full hearing on the issues herein as to Mazyar Gavidel (1), denying [34-4] motion for such other and further relief as to this Court may be deemed just and proper. as to Mazyar Gavidel (1). Deft has moved under 18 USC 2255 to vacate his conviction and for other relief. Since only a sentenced prisoner can

		move under Section 2255, the Court has no jurisdiction to hear this motion. Deft has yet to be sentenced. The motion is denied, and the Court will proceed with the sentence, which is scheduled for 5/13/03. So Ordered. (Signed by Judge Thomas P. Griesa); (ac) (Entered: 05/08/2003)
05/12/2003	36	LETTER filed by USA as to Mazyar Gavidel From AUSA Peter B. Sobol, Dated 4/16/03, Addressed to: Judge Griesa Re: submits this letter in opposition to the motion by the defendant dated 4/4/03 for an Order vacating the judgment of conviction scheduled to be entered on 5/13/03. (ph) (Entered: 05/13/2003)
05/12/2003	37	LETTER filed by Mazyar Gavidel From Attorney Jacob R. Evseroff, Dated 4/18/03, Addressed to: Judge Griesa Re: submits this letter in response to the government's answer in opposition to the defendant's motion to vacate. (ph) (Entered: 05/13/2003)
05/14/2003	38	NOTICE of Appearance for Mazyar Gavidel by Attorney Jacob R. Evseroff (jw) (Entered: 05/14/2003)
05/23/2003	39	TRANSCRIPT of record of proceedings as to Mazyar Gavidel for dates of March 11, 2003, before Judge Thomas P. Griesa . (dt) (Entered: 05/23/2003)
05/30/2003		Sentencing held Mazyar Gavidel (1) count(s) 1, 2–6, 7, 9 (jw) (Entered: 06/06/2003)
05/30/2003	41	FILED JUDGMENT IN A CRIMINAL CASE. (For offenses committed on or after November 1, 1987). Deft Mazyar Gavidel (1) count(s) 8, 10 . Deft found NOT GUILTY by jury verdict. , Deft Mazyar Gavidel (1) was found guilty on count(s) 1, 2 –6 , 7 , 9 . The deft is hereby committed to the custody of the U.S. Bureau of Prisions to be Imprisoned: for a term of Seventy (70) months on each of counts 1,2,3,4,5,6,7 & 9 to be served concurrently. The deft is remanded to the custody of the U.S. Marshal. Upon release from imprisonment, the deft shall be on Supervised Release: for a term of Three (3) years. The deft shall not possess a firearm. ; Judgment and Commitment issued to U.S. Marshal (Signed by Judge Thomas P. Griesa) Docketed as a Judgment, #03, 1177 on 6/9/03. (dcap) (Entered: 06/16/2003)
06/02/2003	40	ORDER OF FORFEITURE as to Mazyar Gavidel, Homa International, (2) the defendant Mazyar Gavidel shall forfeit the sum of \$614,000, representing a sum of money equal to the value of the property involved in the money laundering offenses charged in counts 1–6 and the structuring offense charged in count 7, for which he was convicted. (2) The defendant Homa International Trading Corporation shall forfeit the sum of \$614,000 jointly and severally with co-defendant Mazyar Gavidel, representing a sum of money equal to the value of property involved in the money laundering offenses for which both Mazyar Gavidel and Homa International Trading Corporation were convicted. (3) This order of forfeiture shall be final against the defendants, and is part of the sentences of the defendants. (4) The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary. (5) The Clerk of the Court shall forward four (4) certified copies of this order to AUSA Barbara A. Ward, One Saint Andrews Plaza, New York, NY 10007. (Signed by Judge Thomas P. Griesa); Microfilmed on 6/2/03 at 3:00 p.m. (ph) (Entered: 06/05/2003)
06/10/2003	43	NOTICE OF APPEAL by Mazyar Gavidel , Mazyar Gavidel (1) count(s) 1, 2–6, 7, 9. Filing Fee \$ 105.00 Receipt # E 476138, [41–1] judgment order . Copies of notice of appeal mailed to Attorney(s) of Record: U.S. Attorneys Office. (dt) (Entered: 06/18/2003)
06/18/2003		Notice of Appeal with copy of order/judgment and two copies of docket entries as to Mazyar Gavidel transmitted to USCA re: [43–1] appeal on 6/18/03. (dt) (Entered: 06/18/2003)

07/03/2003		USCA Case Number as to Mazyar Gavidel Re: [43-1] appeal USCA NUMBER: 03-1375 (pr) (Entered: 07/03/2003)
07/03/2003	44	TRANSCRIPT of record of proceedings as to Mazyar Gavidel, Homa International for dates of May 30, 2003, before Judge Thomas P. Griesa . (dt) (Entered: 07/15/2003)
07/03/2003	45	TRANSCRIPT of record of proceedings as to Mazyar Gavidel, Homa International for dates of May 30, 2003, before Judge Thomas P. Griesa . (dt) (Entered: 07/17/2003)
08/25/2003	46	OPINION as to Mazyar Gavidel. On 6/2/03 Gavidel wrote to the Court alleging that at his sentencing hearing on 5/30/03 his atty falsely stated that he had reviewed with Gavidel the amended presentence investigation report. The Court has separately received a notice dated 6/10/03 indicating that Gavidel, acting pro se has filed an appeal of his conviction and sentence. Gavidel does not request any particular relief in his letter. Treating Gavidel's letter of 6/2/03 as a motion, the motion is denied. Gavidel's remedy now lies with the Court of Appeals or a Sec 2255 motion to this Court after his appeal has been decided. SO ORDERED. (ja) (Entered: 08/26/2003)
01/28/2004	47	Appeal Record Sent to USCA (Index). Notice that the Original index to the record on Appeal as to Mazyar Gavidel re: 43 Notice of Appeal – Final Judgment USCA Case Number 03-1375, 3 Copies of the index, Certified Clerk Certificate and Certified Docket Sheet were transmitted to the U.S. Court of Appeals. (dt,) (Entered: 01/28/2004)
07/20/2005	48	MANDATE of USCA (certified copy) as to Mazyar Gavidel re: 43 Notice of Appeal – Final Judgment; USCA Case Number 03-1375. Ordered, Adjudged and Decreed that the judgment of said District Court be and it hereby is AFFIRMED in accordance with the opinion of this Court. Roseann B. MacKechnie, Clerk USCA. Issued As Mandate: 7/12/05. (bw,) (Entered: 07/22/2005)
07/20/2005		Transmission of USCA Mandate/Order to the District Judge (Griesa, J.) on 7/22/05 re: 48 USCA Mandate – Final Judgment Appeal. (bw,) (Entered: 07/22/2005)
07/20/2005	49	MANDATE of USCA (certified copy) as to Mazyar Gavidel re: 43 Notice of Appeal – Final Judgment; USCA Case Number 03-1375. In light of the Supreme Court's decision in U.S. v. Booker, 125 S. Ct. 738 (2005), and this court's decision in U.S. v. Crosby, 397 F.3d 103 (2d Cir. 2005), this case is remanded to the district court for further proceedings in conformity with Crosby. The disposition in the opinion or order previously issued in connection with this appeal is hereby made part of this order and is fully effective, except to the extent that it is inconsistent with the present remand in conformity with Crosby. Any appeal taken from the district court's decision on remand can be initiated only by filing a new notice of appeal. See Fed. R. App. P. 3, 4(b). A party will not waive or forfeit any appropriate argument on remand or on any appeal post-remand by not filing a petition for rehearing of this remand order. Roseann B. MacKechnie, Clerk USCA. Certified: 7/12/05. (bw,) (Entered: 08/05/2005)
07/20/2005		Transmission of USCA Mandate/Order to the District Judge (Griesa, J.) on 8/5/05 re: 49 USCA Mandate – Final Judgment Appeal. (bw,) (Entered: 08/05/2005)
11/23/2005	50	ORDER as to Mazyar Gavidel. This case was remanded to this Court for further proceedings in conformity with U.S. v. Crosby... The Second Circuit affirmed Gavidel's conviction but ordered a remand in order to allow the District Court to determine whether to resentence in light of U.S. v. Booker... On 5/30/03 the court heard arguments on sentencing and determined that the appropriate U.S. Sentencing Guidelines range for dft's conduct ws 70-87 months. The Court sentenced Gavidel to seventy months in prison followed by three years of supervised release.

The Court also ordered Gavidel to forfeit \$614,000. The first step for the court in a Crosby remand is to consider whether to resentence at all. The Court must determine whether the dft's sentence would have been nontrivially different had the court not been bound by the Guidelines in determining the original sentence. Having considered those factors, the Court believes that a sentence of seventy months imprisonment was appropriate given the dft's criminal conduct, and meets the purposes set forth in 18 USC Sec 3553(a)(2). The Court therefore finds that there is no reason to resentence Gavidel. SO ORDERED. (Signed by Judge Thomas P. Griesa on 11/22/05)(ja,) (Entered: 11/29/2005)